

## REMARKS

The Office Action dated November 28, 2007 has been received and carefully considered. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

### Obviousness Rejection of Claims 1-6 and 33-37

At page 2 of the Office Action, claims 1-6 and 33-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mark (U.S. Patent Publication No. 2003/0060746) in view of Beaudry (U.S. Patent Publication No. 2004/0267180) and further in view of D'Alessio et al. (U.S. Patent No. 6,595,940). This rejection is hereby respectfully traversed.

Claim 1 recites “a first marking external to the first cavity identifying a **location of the first cavity**.” The Office Action acknowledges that these elements are not disclosed or suggested by Mark and Beaudry, and turns to D'Alessio as disclosing the recited features at column 6, line 65 to column 7, line 2. However, the cited passage discloses only that cotton swabs attached to the end of an applicator can be color coded, in order to denote a particular use for the swab. The color coding of the swabs does not **identify a location of the first cavity**. In other words, D'Alessio discloses color coding swabs **to denote a particular application for the swab**, rather than **to identify a location of a cavity**. Further, Mark and Beaudry do not remedy the deficiencies of D'Alessio. Thus, the cited references, individually and in combination, fail to disclose or suggest each and every element of claim 1.

Claims 2-6 and 33-37 depend from claim 1. Accordingly, the cited references fail to disclose or suggest each and every element of these claims, at least by virtue of their dependence on claim 1. In addition, claims 2-6 and 33-37 recite additional novel elements. For example, claim 34 recites “a second marking external the second cavity identifying a location of the second cavity.” These elements are not disclosed by the cited references. As explained above, D'Alessio discloses color coding of applicator swabs based on their use. Further, D'Alessio discloses that one of the color coded swabs (swab 60) is “a dry wiping swab.” *D'Alessio*, col. 6, line 43. Thus, D'Alessio discloses that one of the swabs **is not associated with a substance in any manner**. Thus, the color coding of the swabs in D'Alessio cannot be used to locate multiple

substances located in different cavities, as recited in the claims, because only one substance is used by the D'Alessio device. In other words, because D'Alessio fails to disclose a second cavity, it necessarily fails to disclose **a second marking to identify the location of a second cavity**. Further, the other cited references do not remedy the deficiencies of D'Alessio. For at least these reasons, the cited references fail to disclose or suggest each and every element of claim 34.

With respect to claim 35, the claim recites "wherein the second marking identifies contents of the second cavity." According to the Office Action at page 4, these elements are disclosed by D'Alessio. However, as explained above, D'Alessio fails to disclose a second cavity, and therefore necessarily fails to disclose contents of a second cavity. Thus, D'Alessio necessarily fails to disclose or suggest a second marking to identify the contents of a second cavity, and the other cited references do not remedy these deficiencies. Accordingly, the cited references fail to disclose or suggest at least one element of claim 35.

With respect to claim 37, the claim recites "wherein the first marking comprises a **first pattern** and the second marking comprises a **second pattern**." The Office Action does not indicate any particular portion of any of the cited references as disclosing or suggesting these elements. Further, as acknowledged by the Office Action, Mark and Beaudry fail to disclose or suggest markings in any manner. Moreover, D'Alessio discloses only the use of **color** to identify applications for different swabs. Accordingly, none of the cited references discloses or suggests marking **patterns** in any manner, and therefore the cited references, individually or in combination, fail to disclose or suggest each and every element of claim 37.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 1-6 and 33-37 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

#### **Obviousness Rejection of Claims 7-17, 19, 20, 22, 23, 26-28 and 30-32**

At page 4 of the Office Action, claims 7-17, 19, 20, 22, 23, 26-28 and 30-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crane (U.S. Patent No. 6,811,341) in view of Beaudry and D'Alessio et al. This rejection is hereby respectfully traversed.

Claim 7 recites “identifying a substance based on a marking of the support member.” The Office Action acknowledges that these elements are not disclosed by Crane and Beaudry, and turns to D’Alessio. As explained above, D’Alessio discloses color coding of swabs based on an intended use of each swab. Thus, the alleged “markings” of D’Alessio are part of **applicator swabs**, and are not a **marking of the support member**. That is, even assuming *arguendo* that D’Alessio discloses marking, it does not disclose marking a **support member**. Accordingly, D’Alessio necessarily fails to disclose identifying a substance based on a marking of the support member, as recited in claim 7. Further, the other cited references do not remedy the deficiencies of D’Alessio. Accordingly, the cited references, individually and in combination, fail to disclose or suggest each and every element of claim 7.

Claim 13 recites “a first marking external to the cavity, the first marking identifying the monomer.” There is no disclosure or suggestion in the cited references of a marking identifying a monomer. Accordingly, the cited references fail to disclose or suggest each and every element of claim 13.

With respect to claim 19, the claim recites “providing a first marking...identifying the first substance” and “providing a second marking...identifying the second substance.” Claim 28 recites similar features. For reasons similar to those set forth above, none of the cited references discloses or suggests two markings to identify two substances. Accordingly, the cited references fail to disclose or suggest each and every element of claim 19, as well as each and every element of claim 28.

Claims 8-13 depend from claim 7. Claims 14-17 depend from claim 13. Claims 20, 22, 23, 26 and 27 depend from claim 19. Claims 30-32 depend from claim 28. Accordingly, the cited references fail to disclose or suggest at least one element of each of these dependent claims, at least by virtue of their respective dependency on claims 7, 13, 19, and 28. In addition, these dependent claims recite additional novel elements.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 7-17, 19, 20, 22, 23, 26-28 and 30-32 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

**Obviousness Rejection of Claim 18**

At page 9 of the Office Action, claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Crane in view of Beaudry and D'Alessio et al. and further in view of Mark. This rejection is hereby respectfully traversed. Claim 18 was previously cancelled without prejudice or disclaimer. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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